

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

KRESHADRA M. WILLHOITE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-07-529-L
	)	
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of the Social	)	
Security Administration,	)	
	)	
Defendant.	)	

**ORDER**

On April 7, 2008, Magistrate Judge Shon T. Erwin entered his Findings & Recommendation of Magistrate Judge in this action brought by plaintiff for judicial review of the denial of disability insurance benefits and supplemental security income benefits by the Social Security Administration ("SSA"). The Magistrate Judge determined that the Administrative Law Judge ("ALJ") erred in not finding at step two that plaintiff's seizure disorder was severe and further erred in not considering plaintiff seizure disorder in determining her residual functioning capacity ("RFC"). According to the Magistrate Judge, the ALJ's finding at step two "taints the RFC determination and the balance of the sequential evaluation[.]" Findings & Recommendation, p. 5. The Magistrate Judge recommended that the court should reverse and remand for further administrative proceedings since the

decision of the Commissioner is not supported by substantial evidence. The Magistrate Judge further recommended that, on remand, the ALJ should consider plaintiff's seizure disorder in formulating her RFC and in completing the remaining steps of the sequential evaluation process.

The court file reflects that no party has filed a written objection to the Findings & Recommendation within the time limit allowed. Upon *de novo* review, the court finds that the the Findings & Recommendation should be and is hereby adopted in its entirety.

Accordingly, the decision of the Commissioner is **REVERSED** and this matter is **REMANDED for further administrative proceedings**, all in accordance with the April 7, 2008 Findings & Recommendation of Magistrate Judge.

It is so ordered this 5th day of May, 2008.

  
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TIM LEONARD  
United States District Judge